

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CURRON PRITCHETT,	)	
	)	
Plaintiff,	)	<b>CIVIL ACTION FILE</b>
	)	<b>NO. _____</b>
v.	)	
	)	
	)	
T-MOBILE US, INC.,	)	
	)	
Defendant.	)	
_____	)	

**T-MOBILE USA, INC.'S NOTICE OF REMOVAL**

Defendant T-Mobile USA, Inc. ("T-Mobile")<sup>1</sup> hereby removes this action from the Circuit Court of Cook County, Illinois, to the Eastern Division of the United States District Court for the Northern District of Illinois in accordance with 28 U.S.C. §§ 1331, 1441, and 1446. This Court has jurisdiction over this action under 28 U.S.C. § 1331. As for grounds for removal, T-Mobile respectfully shows the following:

**TIMELINESS OF REMOVAL**

1. Plaintiff Curron Pritchett filed this action in the Circuit Court of Cook County, Case No. 2018-CH-05545 ("State Court Action") on April 30, 2018. T-Mobile was served with a Summons and a copy of the Complaint on April 30, 2018. As required by 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders filed in the State Court Action or

---

<sup>1</sup> Plaintiff incorrectly named as Defendant "T-Mobile US, Inc." in his Complaint. Defendant's correct name is T-Mobile USA, Inc.

served upon T-Mobile in the State Court Action as of the date of this filing are attached hereto as Exhibit A.

2. This Notice of Removal, dated May 30, 2018, is therefore timely filed in compliance with 28 U.S.C. § 1446(b).

### **FEDERAL QUESTION JURISDICTION**

3. Under 28 U.S.C. § 1331, federal courts have subject matter jurisdiction over any civil case “arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

4. Plaintiff’s claim arises under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227—a law of the United States.

5. This Court therefore has jurisdiction under 28 U.S.C. § 1331. *See Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 747 (2012) (holding Congress gave “federal courts . . . federal-question jurisdiction over private TCPA suits”).

### **VENUE**

6. Venue is proper in this Court under 28 U.S.C. § 84(c) because the United States District Court for the Northern District of Illinois is the federal judicial district embracing the Circuit Court of Cook County, Illinois, where the State Court Action was filed.

### **NOTICE TO STATE COURT**

7. In accordance with 28 U.S.C. § 1446(d), T-Mobile has filed this Notice of Removal with this Court, will serve a copy of this Notice of Removal upon counsel for all parties, and will file a copy in the State Court Action along with a Notice of Filing of Notice of Removal. A copy of the Notice of Filing of Notice of Removal is attached hereto as Exhibit B.<sup>2</sup>

---

<sup>2</sup> By removing this action, T-Mobile does not waive, but expressly preserves any defenses with respect to the underlying state court action, including, but not limited to defenses related to venue and/or jurisdiction.

WHEREFORE, T-Mobile hereby removes this action to this Court for further proceedings according to law.

Respectfully submitted this 30th day of May, 2018.

/s/ Lawrence H. Heftman

Lawrence H. Heftman

Charles H.R. Peters

Brooke Clason Smith

SCHIFF HARDIN LLP

233 South Wacker Drive

Suite 7100

Chicago, IL 60606

(312) 258-5500

[cpeters@schiffhardin.com](mailto:cpeters@schiffhardin.com)

[lheftman@schiffhardin.com](mailto:lheftman@schiffhardin.com)

[bsmith@schiffhardin.com](mailto:bsmith@schiffhardin.com)

Derin B. Dickerson (Pro Hac Vice Application Forthcoming)

Lara Tumeh (Pro Hac Vice Application Forthcoming)

Alston & Bird LLP

1201 West Peachtree Street

Atlanta, GA 30309-3424

Telephone: 404-881-7000

[derin.dickerson@alston.com](mailto:derin.dickerson@alston.com)

[lara.tumeh@alston.com](mailto:lara.tumeh@alston.com)

*Attorneys for T-Mobile USA, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the within and foregoing with the Clerk of Court using the CM/ECF system, and additionally served counsel of record by depositing copy of same in the United States Mail in an envelope with adequate postage affixed thereon, properly addressed as follows:

William H. Beaumont  
BEAUMONT COSTALES LLC  
3151 W. 26th Street, Second Floor  
Chicago, IL 60623

*Attorney for Plaintiff*

On this 30th day of May, 2018.

/s/ Lawrence H. Heftman  
*Attorney for T-Mobile USA, Inc.*